



Commonwealth of Massachusetts

# Division of Fisheries & Wildlife

**MassWildlife**

Wayne F. MacCallum, *Director*

October 31, 2014

Dartmouth Conservation Commission  
P.O. Box 79399  
Dartmouth MA 02747

New Bedford Conservation Commission  
Room 304  
133 William Street  
New Bedford MA 02744

Ronald Labelle  
City of New Bedford  
1105 Shawmut Avenue  
New Bedford MA 02746

RE:     Applicant:             Ronald Labelle  
       Project Location:       Old Plainville Road, New Bedford/Old Fall River Road, Dartmouth  
       Project Description:   Turner Pond Dam Maintenance  
       DEP Wetlands File No.: 049-0709; 015-2237  
       NHESP File No.:        **14-33767**

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans (dated October 2014) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.58(4)(b), 10.59). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

## **WETLANDS PROTECTION ACT (WPA)**

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

## **MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)**

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a**  
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Division of Fisheries and Wildlife

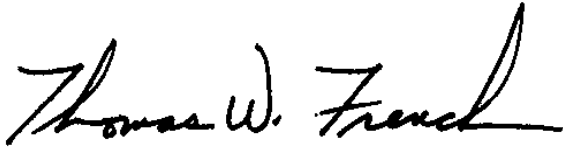
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

*An Agency of the Department of Fish and Game*

**prohibited "take"** of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Thomas W. French, Ph.D.  
Assistant Director

cc: MA DEP Southeast Region  
Andrew Poyant, CDM Smith